IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24069 of 2004

Between:

K.Kadiramma D/o.late Saddala Boys
H/o.Valasapalli, Nimmanapalli (M),
Chittoor Dist.

..... PETITIONER

AND

1 The Commissioner Appeals Offic of the Chief Commissioner of Land Administration Hyderabad.
2 The Joint Collector, Chittoor Dist.
3 The Mandal Revenue Officer
Nimmanapalli (M), Chittoor Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the 1st respondent in Pro No.BCW 2/68/2000, dt 21-5-2004 issued confirming the proceedings of the 2nd respondent in D.Dis (E3) 19148/96 dt 16-11-1999 directing the 3rd respondent to resume the land admeasuring Ac,4-96 cents in Sy.No.374/1 of Machireddygaripalli Revenue, Nimmanapalli Mandal, and to reassign it to the eligible landless poor persons, without directing to consider the eligibility of the petitioner as illegal, arbitrary and unconstitutional and to grant such other relief or reliefs.

Counsel for the Petitioner: MR.R.RADHA KRISHNA REDDY

Counsel for Respondents.: GP FOR ASSIGNMENT

The Court at the stage of admission made the following :

ORDER:

The petitioner claims that by proceedings dated 27-5-1988 an extent of Ac.4-96 cents of land in Survey No. 374/1, Chinna Machireddigaripalli village, Nimmanapalli Mandal was assigned to his father and the petitioner is in possession and enjoyment of the same as successor to the properties of his father. While so, one K.Dosappa made an appeal before the Joint Collector for cancellation of the assignment made to the father of the petitioner. Thereupon, the Joint Collector considered the matter and passed orders dated 16-11-1999 directing the Mandal Revenue Officer to resume the land to the Government and to take necessary action for assignment of the said land to eligible landless poor. As against the said order, the petitioner herein filed an appeal before the first respondent and the same was dismissed by order dated 21-5-2004, impugned in this writ petition. The operative portion of the order dated 21-5-2004, reads as under:

> *"Revision petition was admitted and connected records obtained from Collector, Chittoor. After several adjournments, case was posted for final hearing on 5-9-2003. Perused the connected records placed before me. As could be seen from the records, the M.R.O. Nimnanapalli has assigned the land in Survey No.374/1 to an extent of Ac.4-96 to Sri K.Dasappa S/o.Kadirappa. Whileso the M.R.O. Nimmanapalli has granted DKT patta for the land in Sy.No.374/1 to Sri Saddella Boyakondappa father of the Revision Petitioner herein without canceling the D-form patta already granted to Sri K.Dasappa which is irregular. In view of the fact that the original assignee or his sons are not in possession of the land and that the re-assignment was made to Saddella Boyakondappa father of the present petitioner is without following the regular assignment procedure the Joint Collector has rightly cancelled both the assignments and directed the MRO to resume the land to Government for eventual assignment to the landless poor persons. In the circumstances, I find no reason to interfere with the orders of Joint Collector, Chittoor. Hence, the revision petition is dismissed accordingly."*

Since, the assignment of land in favour of the petitioner was made without following the regular procedure, the petitioner cannot question the impugned order passed by the first respondent dated 21-5-2004. The first respondent has considered the matter objectively and recorded reasons for dismissing the revision, which cannot be said to be illegal, warranting interference by this Court.

At this stage, learned counsel for the petitioner submitted that the respondents may be directed to consider the case of the petitioner for assignment of any other land.

The petitioner, if so advised, may make an application for assignment of land afresh. On making such application, the respondents are directed to consider the case of the petitioner for assignment of any other land, without reference to the orders passed in the revision, subject to his eligibility and availability of land and in accordance with law.

Accordingly, the writ petition is disposed with the above directions.

_____

N.V. RAMANA, J

23-12-2004

tvk

To

1 The Commissioner Appeals Offic of the Chief Commissioner of Land Administration Hyderabad.
2 The Joint Collector, Chittoor Dist.
3 The Mandal Revenue Officer
Nimmanapalli (M), Chittoor Dist.

4.2CCs to G.P. for Assignments, High Court of A.P. Buildings, Hyderabad

(OUT)

5.2CD copies

6.2CCs to